IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.1417 OF 2004
IN
WRIT PETITION NO.2794 OF 1997

Shri Dnyandeo Devram Kale .. Applicant

v/s.

The Union of India .. Respondent

Mr.Uday Warunjikar for the applicant.

Mr.Suresh Kumar i/by Mr.T.C.Kaushik for respondent No.1.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 15th April, 2005

P.C.

Heard Mr.Uday Warunjikar, the learned counsel for the applicant (original respondent No.1 in the writ petition).

2. In paragraph 5 of the civil application, it is stated that the original writ petitioner (respondent in the civil application) has not paid the amount under section 17B of the Industrial Disputes Act and therefore, the applicant has been constrained to take out contempt petition which is admitted and pending.

3. In view of the fact that the contempt petition filed by the applicant is pending; the aspect regarding the breach of the order passed by the court on 15.1.1999 shall be examined in the contempt

proceeding. In view thereof, the present civil application is misconceived. Besides that, we may notice here that the applicant has already made the application being civil application No.1288 of 2004 praying therein that the original writ petitioner (respondent in the civil application) be directed to pay to the applicant last drawn salary every month. The said civil application is also pending and in view thereof, we hardly find any justification in passing any order on this civil application.

4. Civil application is, accordingly, rejected.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)